

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHAN ALLEN ARMSTRONG,

Plaintiff,

v.

MARILYN S. BROOKS, et al.,

Defendants.

Civil Action No. 07-141 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on June 4, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 48], filed on May 9, 2008, recommended that the motion to dismiss or for summary judgment filed by the Commonwealth Defendants [Doc. No. 34] be granted, the motion to dismiss filed by Defendant Mack [Doc. No. 40] be granted and Plaintiff's motion for summary [Doc. No. 45] be denied. The parties were allowed ten (10) days from the date of service to file objections. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of June, 2008;

IT IS HEREBY ORDERED that the motion to dismiss or for summary judgment filed by the Commonwealth Defendants [Doc. No. 34] is GRANTED; the motion to dismiss filed by Defendant Mack [Doc. No. 40] is GRANTED; and Plaintiff's motion for summary [Doc. No. 45] is DENIED.

The Report and Recommendation [Doc. No. 48] of Magistrate Judge Baxter, filed on May 9, 2008, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge